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MAY 18 2005

In re Application	:	OFFICE OF PETITIONS
Dorr, et al.	:	
Application No. 10/017,804	:	PATENT TERM ADJUSTMENT
Filed: December 14, 2001	:	
Dkt. No.: WI 00005	:	

This is a decision on the "REQUEST FOR PATENT TERM ADJUSTMENT," filed July 1, 2004. This request is being treated under 37 CFR 1.704(b) as an application for patent term adjustment. The required application fee of \$200.00 has been charged to Deposit Account No. 03-2775 as authorized.

The application for patent term adjustment ("PTA") under 37 CFR 1.705(b) is **GRANTED**.

The Office will adjust the PAIR screen to reflect that the Patent Term Adjustment (PTA) determination at the time of mailing of the Notice of Allowance and Issue Fee Due reflects an adjustment of 280 days. A copy of the updated PAIR screen showing the correct determination is enclosed.

Applicants request reconsideration of the Patent Term Adjustment zero days as indicated on the Determination of Patent Term Adjustment mailed June 22, 2004.

A review of the application history reveals that an adjustment under 37 CFR 1.702(a)(1) of 41 days can be attributed to the Office. In accordance with 37 CFR 1.703(a)(1), the adjustment began February 16, 2003, the day after the date that is 14 months after the date on which the application was filed, and ended March 27, 2003, the date the non-final Office action was mailed.

The Office errantly entered December 29, 2003 as the date a reply to the non-final Office action was filed rather than June 27, 2003, the date of facsimile transmission of the response. The reply was resubmitted by facsimile on December 27, 2003,

however, applicants have established that the initial reply was timely received by the Office on June 27, 2003 as evidenced by the copy of the facsimile cover sheet indicating that the reply was successfully transmitted to the Office.

A further adjustment under 37 CFR 1.702(a)(2) of 239 days can be attributed to the Office. In accordance with 37 CFR 1.703(a)(2), the adjustment began October 27, 2003, the day after the date that is four months after the date a reply under § 1.111 was filed, and ended June 22, 2004, the date of mailing of Notice of Allowance.

In view thereof, at the time of Notice of Allowance the application is entitled to a patent term adjustment of 280 days.

This application is being forwarded to the Office of Patent Publication for processing into a patent.

Telephone inquiries specific to this matter should be directed to Petitions Attorney Alesia M. Brown at (571) 272-3205.

Karin Ferriter

Karin Ferriter
Senior Legal Advisor
Office of Patent Legal Administration
Office of Deputy Commissioner
for Patent Examination Policy

Enclosure: Copy of Adjustment PAIR Calculation